

RICHARDSON PREYER, N.C.
LEO J. RYAN, CALIF.
JOHN F. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
LES ASPIN, WIS.
PETER H. KOSTMAYER, PA.
THEODORE S. WEISS, N.Y.
BARBARA JORDAN, TEX.

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PAUL M. MC CLOSKEY, JR., CALIF.
J. DANFORTH QUAYLE, IND.
JOHN N. ERLBORN, ILL.

225-3741

NINETY-FIFTH CONGRESS
Congress of the United States

House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515

June 10, 1977

Executive Registry
77-1591

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

In connection with its oversight responsibilities for the Freedom of Information Act, the Privacy Act and government records policies, this subcommittee is concerned with security classification management practices, and with the use of administrative markings and other identification codes which restrict access to documents.

To assist us in evaluating such practices and restrictions, would you please furnish the subcommittee the following information. Even if some questions do not apply to your agency, please respond to all those which do.

1. Is your agency authorized to classify documents under terms of Executive Order 11652? If so, what terms are used within your agency, either formally or informally, officially or unofficially, to indicate gradations or extensions of the term "top secret", "secret", or "confidential"? (For example, "top secret--grade 1", "secret-sensitive", "top secret--eyes only", "noFORN", "official use only", or "non public", etc.) Please list such terms only if used in combination with the standard E.O. 11652 designations.

2. What legend or legends are used by your agency to identify records which are not classifiable under Executive Order 11652 but which are not to be made available outside the department and/or outside the government? For each such term, please list:

(a) Its specific name.

(b) Its application.

(c) The manner in which it was put into use (e.g., agency circular, formal regulation) and by whom (e.g.,

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department head, general counsel). Please enclose a copy of the document putting the term into use.

(d) The authority under which the term was put into use (e.g., statute, executive order). Please include a copy of the statute, executive order, or other document furnishing the authorization.

(e) The date it was put into use.

(f) The last occasion on which the need for such a particular designation was reviewed.

(g) The procedure used to remove the marking after some period of time. (I.e., does the restriction automatically expire? Undergo review?) Simply note if this information is included in the material furnished under (c).

(h) The procedure used to evaluate materials with this marking when they are requested under the Freedom of Information Act (e.g., is marked material automatically withheld from being furnished under FOIA? Can anyone other than the person who initially marked the material remove the marking?)

(i) Whether this marking has ever either generally or in a specific case been challenged in court? If so, what was the result and what is the case citation?

(j) The number of agency officials who are authorized to determine that a document or record should be marked with this term.

(k) The criteria by which officials are given authority to determine that a document or record should be marked with this term.

(l) Whether this marking has ever been used on documents which also qualify for security classification under Executive Order 11652. If so, why?

(m) Compared to E.O. 11652 security classifications and from a standpoint of document sensitivity, would you say materials carrying this mark are about as sensitive as materials marked confidential, marked secret, or marked top secret? (I.e., how restrictive is this marking supposed to be?)

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(n) Whether you consider material marked with this designation to be freely available when it is sent to the National Archives?

3. Have you stopped using any such legends during the past three years? If so, please list the same details as requested in (a) through (e) of item 2 above, and also state why the legend is no longer used. If some documents still carry this mark from when it was used, please also answer for it questions (g) through (i) and (l) through (n) of item 2 above.

4. How many formal investigations were conducted by your agency at the seat of government between July 1, 1971 and June 30, 1976 into possible violations of your agency's regulations concerning the protection of information which was

(A) Classified under E.O. 11652 or its predecessor, E.O. 10501?

(B) Administratively restricted by use of some term described in your response to question 2 above?

(Do not include routine "desk checks" or similar routine supervision or information protection procedures in tabulating responses to this question.)

Answering separately for categories (A) and (B) above,

(a) How many of those investigations concerned improper physical protection of information?

(b) How many of those investigations concerned failure to assign a high enough security designation to information?

(c) How many of those investigations concerned the assignment of too high a security designation to information?

5. Answering separately for categories (A) and (B) of question 4, in how many instances from July 1, 1971 to June 30, 1976, were

(a) Criminal charges filed, or recommended to be filed, based on failure to protect information?

(b) Administrative hearings held on the same basis?

(c) Administrative penalties, ranging from reprimands, to loss of pay for specified periods, to dismissal, assessed on the same basis?

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6. Answering separately for categories (A) and (B) of question 4, in how many instances during the same five year period were charges filed or recommended, administrative hearings held, or penalties of any sort assessed on the basis of over-classification or other excessive restriction on access to information?

7. If your agency conducts investigations for other agencies of the Federal government, state how many formal investigations into possible violations of E.O. 10501 or E.O. 11652 were conducted for those agencies at the seat of government during the five year period.

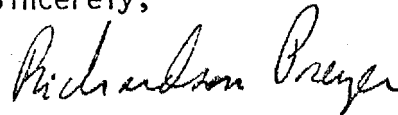
(a) How many of those investigations concerned improper physical protection of information?

(b) How many of those investigations concerned the failure to assign a high enough security designation to information?

(c) How many of those investigations concerned the assignment of too high a security designation to information?

We appreciate your efforts of compiling this material. Would you please have responses in the hands of the subcommittee by July 15, 1977. If you have questions in the meantime, please contact Richard L. Barnes of the subcommittee staff at 225-3741.

Sincerely,



Richardson Preyer
Chairman

[Handwritten signature]

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EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	D/DCI/IC		✓		
4	DDS&T				
5	DDI				
6	DDA		✓		
7	DDO				
8	D/DCI/NI		✓		
9	GC		✓		
10	LC	✓			
11	IG				
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	A/DCI/PA				
17	AO/DCI				
18	C/IPS		✓		
19	DCI/SS				
20					
21					
22					
SUSPENSE		20 JUN Date			

[Handwritten notes: "by 70" and "je com"]

Remarks:

To 10: Please develop DCI response

[Redacted box]